

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. EP 665 (Sub-No. 1)

RAIL TRANSPORTATION OF GRAIN,
RATE REGULATION REVIEW

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REPLY OF ALLIANCE FOR RAIL COMPETITION
IN SUPPORT OF NGFA PETITION TO MODIFY
PROCEDURAL SCHEDULE

On January 29, 2014, The National Grain and Feed Association (“NGFA”) filed a Petition seeking a 60-day extension of the procedural schedule in this proceeding, extending the due dates for opening and reply comments to May 12, 2014 and July 11, 2014, respectively. The Alliance for Rail Competition (“ARC”), which plans to participate actively in this proceeding with a number of other associations whose members include producers and/or shippers of wheat and other agricultural commodities, supports the extension request (which has also been supported by USDA).

Though ARC itself represents shippers of agricultural commodities by rail, as well as shippers of non-agricultural commodities, ARC has in recent years taken the lead in preparing comments that were filed jointly by numerous state wheat and barley committees and commissions and boards, including groups from Texas to the Canadian border and Pacific Northwest. See, e.g., the comments filed by ARC and such groups in EP 715, Rate Regulation Reforms; EP 711, Petition for Rulemaking to Adopt Revised Competitive Switching Rules; and EP 431 (Sub-No. 4), Review of General Purpose Costing System. ARC has communicated with such groups as to this proceeding and expects to file jointly with many if not most of them again. However, the requested extension of time would assist ARC in its

coordination with such groups, and in the collection from such groups of information about grain shipper concerns responsive to the issues raised by the Board in its December 12, 2013 Decision initiating this proceeding.

ARC is also in the process of seeking access to Waybill Sample data needed to analyze current grain rate levels and to assess possible improved procedures for challenging the reasonableness of such rates. A data request was filed January 2, 2014, which was supplemented on January 31, 2014. Other parties to this proceeding may also seek such data. Moreover, it is hoped that cost data for 2012, which is normally issued in the fall of the succeeding year, will become available between now and the proposed May 12 due date for opening comments, permitting use of the latest data. For this reason and because of other obligations in April 2014 which will require substantial attention by ARC's counsel, a shorter extension, e.g. 30 or 45 days, would not be as appropriate as the 60 day extension requested by NGFA and supported by USDA and ARC.

This is an important proceeding for grain producers and shippers, and one to which ARC and its associated grain and agricultural commodity groups are planning to devote significant resources. We therefore request approval of NGFA's Petition, and of the new due dates of May 12, 2014 for opening comments and July 11, 2014 for reply comments.



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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served this 5th day of February, 2014, on counsel for NGFA by first class mail.

A handwritten signature in black ink, appearing to read "John M. Cutler, Jr.", written over a horizontal line.

John M. Cutler, Jr.